

Constitution means. The Constitution protects an individual's right to keep and bear arms to protect himself, his home, and his family. The Constitution protects our right to protest our government, speak freely and practice our religious beliefs.

The American people will be watching this week when the Senate votes on Judge Sotomayor's nomination. She is a judge who has foresworn judicial activism in her confirmation hearings, but who has a long record of it prior to 2009. And should she engage in activist decisions that overturn the considered constitutional judgments of millions of Americans, if she uses her lifetime appointment on the bench as a perch to remake law in her own image of justice, I expect that Americans will hold us Senators accountable.

Judicial activism demonstrates a lack of respect for the popular will that is at fundamental odds with our republican system of government. And, as I stated earlier, regardless of one's success in academics and in government service, an individual who does not appreciate the common sense limitations on judicial power in our democratic system of government ultimately lacks a key qualification for a lifetime appointment to the bench. For this reason, and no other, I am unable to support Judge Sotomayor's nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, before I address the matter I came to the Senate floor to address today, I congratulate the Senator from Arizona for his thoughtful description of the process by which he has made a decision on the extraordinarily important issue we will have before the Senate later this week; that is, the confirmation of Judge Sotomayor for the Supreme Court. PERSONAL COMPUTER: J079060-A03AU6-003-*****-Payroll No.: 96940 -Name: b7 -Folios: 303-303/4 -Date: 8/3/09 -Subformat:

HEALTH CARE WEEK IX, DAY I

Mr. MCCONNELL. Mr. President, over the past 2 months, I have come to the floor time and again to talk about one of the most important issues we face as a Nation: and that is the need for commonsense health care reforms which address the serious problems that all Americans see in the system as it is. I have done this in the context of a larger debate about a proposed reform that, in my view, could actually make our current problems worse. And I have had solid support for that view from a number of well-respected sources.

First and foremost is the independent Congressional Budget Office, which has refuted several estimates by the administration about the effect its health care proposals would have on the economy in general and health care costs in particular.

The Director of the CBO has said the Democrat proposals we have seen

would not reverse the upward trend of health care costs and would significantly increase the government's share of those costs. The CBO says these proposals would add hundreds of billions of dollars to the national debt. It says that one section of one of the proposals would cause 10 million people to lose their current health plans. And it says a so-called Independent Medicare Advisory Council designed to cut costs probably wouldn't.

These findings have helped clarify the debate over health care—and they have added to a growing perception that, though the administration is trying very hard, economic estimates are not the administration's strong suit.

First there was the stimulus. In trying to account for rising unemployment after a stimulus bill that was meant to arrest it, the administration said it misread the economy. It also said the stimulus would "create or save" between 3 and 4 million jobs, though now it says it can't measure how many jobs are created or saved. Meanwhile we have lost 2 million of them since the stimulus was passed.

Last week we saw the administration's tendency to miss the mark on economic estimates again with the so-called cash for clunkers program.

We were told this program would last for several months. As it turned out, it ran out of money in a week, prompting the House to rush a \$2 billion dollar extension before anybody even had time to figure out what happened with the first billion.

There is a pattern here, a pattern that amounts to an argument—and a very strong argument at that: when the administration comes bearing estimates, it is not a bad idea to look for a second opinion. All the more so if they say they are in a hurry.

Americans are telling us that health care is too important to rush. They are saying it is too important to base our decisions on this issue solely on the estimates that we are getting from the same people who brought us the stimulus and cash for clunkers.

The American people want to know what they are getting into when it comes to changing health care in this country. And while I have no doubt the administration is trying, Americans need some assurance that the estimates they are getting are accurate. And if recent experience is any guide, they have reason to be as skeptical as the car dealer who said this to a reporter last week:

If they can't administer a program like this, I'd be a little concerned about my health insurance.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mr. MCCAIN. What time does the Senate intend to move back to consideration of the fiscal year 2010 Agriculture appropriations bill?

The ACTING PRESIDENT pro tempore. The majority still has 8 minutes remaining in morning business.

Mr. MCCAIN. Mr. President, I ask unanimous consent that at this time we return to the Agriculture appropriations bill that was pending before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. I thank the Chair.

The ACTING PRESIDENT pro tempore. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2997, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Kohl/Brownback amendment No. 1908, in the nature of a substitute.

Kohl (for Tester) amendment No. 2230 (to amendment No. 1908), to clarify a provision relating to funding for a National Animal Identification Program.

Brownback amendment No. 2229 (to amendment No. 1908), to establish within the Food and Drug Administration two review groups to recommend solutions for the prevention, diagnosis, and treatment of rare diseases and neglected diseases of the developing world.

Kohl (for Murray/Baucus) amendment No. 2225 (to amendment No. 1908), to allow State and local governments to participate in the Conservation Reserve Program.

Kohl (for Nelson (FL)) amendment No. 2226 (to amendment No. 1908), to prohibit funds made available under this act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 1910 TO AMENDMENT NO. 1908

Mr. MCCAIN. I ask unanimous consent to call up amendment No. 1910 which is at the desk.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.